

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/745,023	§	
Filed: December 20, 2000	§	Examiner: Kang, Insun
Inventor(s):	§	Group/Art Unit: 2193
Ram Kudukoli, Robert Dye, Paul	§	Atty. Dkt. No: 5150-44100
F. Austin, Lothar Wenzel, and	§	
Jeffrey L. Kodosky	§	
Title: SYSTEM AND METHOD	§	
FOR	§	
PROGRAMMATICALLY	§	
GENERATING A	§	
GRAPHICAL PROGRAM	§	
IN RESPONSE TO	§	
PROGRAM		
INFORMATION		

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER
TWO PENDING APPLICATIONS**

Sir or Madam:

1. National Instruments Corporation is the owner of all rights in the captioned application.

2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant, of any patent granted on the following pending applications: Application Serial No. 09/595,003 titled "System and Method for Automatically Generating a Graphical Program to Implement a Prototype" filed on June 13, 2000, and Application Serial No. 09/747,091 titled "System and Method for Programmatically Generating a Graphical Program in Response to a State Diagram" filed on December 21, 2000. National Instruments Corporation hereby agrees that any

patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the four pending applications are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

3. In making the above disclaimer, National Instruments Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the four pending applications, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Furthermore, National Instruments Corporation does not disclaim any extension or restoration of term to the patent granted on the captioned patent application, which extension or restoration is effected under any applicable statute.

4. The undersigned is an agent of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-44100/JCH.

Date: January 23, 2007

By: /Mark S. Williams/

Mark S. Williams, Reg. #50658
Agent of Record